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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,903	10/12/2006	Jean-Luc Simonin	713-1275	6329
33712 7590 11/24/2009 LOWE, HAUPTMAN, HAM & BERNER, LLP (ITW) 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
HELVEY, PETER N.				
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
11/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/599,903

**Applicant(s)**

SIMONIN ET AL.

**Examiner**

PETER HELVEY

**Art Unit**

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/12/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Page No(s)/Mail Date 10/12/2006

## DETAILED ACTION

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

2. The disclosure is objected to because of the following informalities: The disclosure does not contain the proper section headings as required by PCT Article 5.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by *Trankle* (U.S. Patent No. 4,880,152).

Regarding claim 10, *Trankle* discloses an assembly consisting of a hand-held tool (11) and an attachment comprising a loop designed to be threaded on to a belt (7; Fig. 4) and provided with a catch finger (17) for the tool, the tool

being designed to hook on to the finger in the operating position before being able to swing under its own weight into a position in which locking means (16) prevent it from becoming unhooked from the finger.

The recitation "to be threaded on to a belt" is an intended use and the loop disclosed by *Trankle* is clearly capable of being threaded onto a belt.

Further, the examiner asserts that the assembly taught by *Trankle* is capable of performing the functional recitations of the claim, as the tape dispenser is capable of swinging when mounted on the holder before the locking means is engaged.

Regarding claim 11, *Trankle* further discloses the locking means are provided on the catch finger (Fig. 6).

Regarding claim 12, *Trankle* further discloses the catch finger comprises an end designed to be passed through an opening of an associated shape provided in the handle of the tool (Fig. 6; the case of the tape dispenser meets the broadest reasonable definition of a handle, as it forms the part held by a users hand when not mounted on the holding assembly).

Regarding claim 13, *Trankle* further discloses the end to be passed through the opening provides a groove (space between mounting plate 23 and washer 19 forms "groove" clearly capable of receiving the handle of the tool) for receiving the handle of the tool and forms the means for locking the hooked tool in the position in which it is swung under its own weight (Fig. 6; 16, 17 (threads)).

Regarding claim 14, *Trankle* further discloses the end of the catch finger comprises an end portion mounted (wing nut 16) to be pivoted into the position for locking the hooked tool in the operating position in case the tool should swing from the position in which it is swung under its own weight in the opposite direction into the operating position as the result of an unexpected movement by the operator.

Regarding claim 15, *Trankle* discloses an attachment comprising a loop (7) designed to be threaded on to a belt and provided with a catch finger (17) for a tool, the finger including locking means (16) preventing the tool from becoming unhooked.

Regarding claim 16, *Trankle* further discloses the catch finger comprises a groove (space between mounting plate 23 and washer 19 forms "groove" clearly capable of receiving the handle of a tool) for receiving the tool.

Regarding claim 17, *Trankle* further discloses the receiving groove is formed by an end portion for passing through the opening and for locking (Fig. 6).

Regarding claim 18, *Trankle* further discloses the end portion comprises two small cylinders, an external end cylinder (center hub of wing nut 16) being designed to pivot relative to an internal end cylinder (19) in order to lock the hooked tool in two respective operating and swung positions (device taught by *Trankle* can lock the tool in many positions).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER HELVEY whose telephone number is (571)270-1423. The examiner can normally be reached on M-Th 8:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. H./  
Examiner, Art Unit 3782

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November 17, 2009

/Nathan J. Newhouse/

Supervisory Patent Examiner, Art Unit 3782